

REMARKS

In this Response, claims 1-28 are currently pending. Various claims are amended. No new matter is introduced. Reconsideration of the application is respectfully requested.

Rejections under 35 U.S.C. § 102

In the present Final Office Action, the Examiner presented a new ground of rejection against claims 1-28 by citing new references (Honjo, Okuyama and Zimmermann).

In "Claim Rejections-35 U.S.C. §102" on pages 2 of the present Final Office Action, claims 19-20 and 22 were rejected under 35 USC § 102 (e) as allegedly being anticipated by U.S. Patent Application Publication No. 2002/0061181 (hereinafter "Honjo").

Independent claim 19 is amended to recite "a storage manager configured to apply selected ones of the policies to delete one or more copies of the program ..." On page 4 of the present Final Office Action, the Examiner admitted that Honjo fails to teach "... applying, by the computing device, a retention policy which instructs deletion of at least one of the stored first and second digital copies..." in claim 1, which is a feature substantially similar to the above amendment of claim 19. Due to a similar reason, Applicants respectfully submit that Honjo fails to teach all elements of amended claim 19 and its dependent claims 20 and 22. Thus, withdrawal of the rejections to claim 19 and its dependent claim 20 and 22 35 U.S.C. § 102 is respectfully requested.

Rejections under 35 U.S.C. § 103

In "Claim Rejections – 35 U.S.C. § 103", on pages 3 of the present Final Office Action, the Examiner rejected claims 1, 7-11, 21, 23, and 25 as allegedly being unpatentable over Honjo in view of U.S. Patent Publication No. 2002/0141580 (hereinafter "Okuyama") under 35 U.S.C. § 103(a).

In "Claim Rejections – 35 U.S.C. § 103", on pages 6 of the present Final Office Action, the Examiner rejected claims 2-6, and 24 as allegedly being unpatentable over Honjo in view of Okuyama and further in view of U.S. Patent Publication No. 2003/0198458 (hereinafter "Greenwood") under 35 U.S.C. § 103(a).

In “Claim Rejections – 35 U.S.C. § 103”, on pages 8 of the present Final Office Action, the Examiner rejected claims 12-18, and 26-28 as allegedly being unpatentable over Honjo in view of U.S. Patent Publication No. 2003/0147631 (hereinafter “Zimmermann”) under 35 U.S.C. § 103(a).

Amended independent claim 1 when taken as a whole recites a method through which a recorder stores on a storage medium at least two copies of a content with different quality levels, and one or more of those copies are deleted depending on the space left available in the storage medium. This method may provide an alternative option to a user to keep at least a lower quality copy of a content for future replay rather than deleting the content entirely, when the storage medium is running out of space.

Honjo discloses a recording/reproduction apparatus which can record AV data at a variable rate and include positional/navigation information to the recorded data. Paragraph [0011] and its corresponding detailed description paragraphs [0071]-[0076] of Honjo disclose that a first MPEG data, e.g. CBR (fixed rate) data may be stored in a first storage medium, e.g. HDD. The first MPEG data may be converted to a second MPEG data, e.g. VBR (variable rate) data which have smaller amount of information than the first MPEG data. According to paragraph [0071], the second MPEG data may also be stored in the first storage medium. Positional information may then be added into the second MPEG data and dubbed permanently onto a second storage medium, e.g. an optical disk.

According to paragraph [0071] of Honjo, the reason why the first MPEG data are converted to the second MPEG data with less amount of information is based on the consideration of the space left available in the second storage medium. Because the positional information will be added to the MPEG data, using the second MPEG data with less information will enable a longer time recording. This means that the consideration is given to size of the second storage medium that the second MPEG data with positional information are stored, which is totally contrary to the recitation of amended claim 1 that the computing device determin[es] periodically space left available in the storage medium (on which the first and second copies of the program are stored).

Besides the above difference resulting from the different purposes of Honjo and the present application, Applicants further submit that there would have been no motivation to combine Honjo with Okuyama or Zimmermann. Even if we assume *arguendo* and *hypothetically* that Okuyama and Zimmermann have fulfilled the purpose that they were cited in the Final Office Action as disclosing the deletion of at least one of the stored copies of the program and the condition that such deletion is based on, combining Okuyama or Zimmermann with Honjo would render Honjo inoperable because there may be such a scenario that the first storage on which the first and second MPEG data are stored is determined to be running out of space, and the second MPEG data may be instructed to be deleted before the second MPEG data are dubbed with the positional information and stored permanently on the optical disk. In that case, persons skilled in the art would have no way to achieve the purpose of Honjo.

In the rejection to claims 2-6 and 24, Greenwood was cited as teaching receiving a request to schedule a recording of the program and determining a longevity for the program and associating the recording quality and longevity with the program. However, Greenwood fails to cure the above stated deficiency of Honjo, Okuyama and Zimmermann.

Therefore, Applicant submit that for at least these reasons, claim 1 is patentable over Honjo in view of Okuyama, Greenwood and Zimmermann, alone or combined under 35 U.S.C. § 103. Independent claims 12, 19, 23, and 26 contain substantially similar recitations to claim 1. Therefore, due to at least above stated reasons, claims 12, 19, 23, and 26 are patentable over Honjo in view of Okuyama, Greenwood and Zimmermann, alone or combined under 35 U.S.C. § 103.

Claims 2-11, 13-18, 20-22, 24, 25, 27, and 28 depend from independent claims 1, 12, 19, 23 or 26, respectively, incorporating their recitations. Therefore, for at least similar reasons set forth for the corresponding independent claims, Applicants submit that these dependent claims are patentable over Honjo in view of Okuyama, Greenwood and Zimmermann, alone or combined under 35 U.S.C. § 103.

CONCLUSION

In view of the foregoing, reconsideration and allowance of pending claims are solicited. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 381-8819. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 500393.

Respectfully submitted,
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